

Regular Session, 2009

HOUSE BILL NO. 44

BY REPRESENTATIVES LAFONTA, HARDY, AND STIAES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Creates the crime of discharging a firearm at a public event

1 AN ACT

2 To enact R.S. 14:95.2.2, relative to offenses affecting the public safety; to create the crime  
3 of illegal possession or discharge of a firearm at a public gathering; to provide for  
4 definitions; to provide for the elements of the crime; to provide for penalties; to  
5 provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.2.2 is hereby enacted to read as follows:

8 §95.2.2. Illegal possession or discharge of a firearm at a public gathering

9 A. Illegal possession or discharge of a firearm at a public gathering is the  
10 possession or discharge of a firearm within one thousand feet of any public place  
11 where fifty or more people are present at the time the firearm is possessed or  
12 discharged.

13 B. For the purposes of this Section:

14 (1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun,  
15 submachine gun, excluding black powder weapons, or assault rifle which is designed  
16 to fire or is capable of firing fixed cartridge ammunition or from which a shot or  
17 projectile is discharged by an explosive.

18 (2) "Public place" means any publicly or privately owned land, building,  
19 facility, structure, or enclosure used for a public purpose or to which the general  
20 public has access as invitees and shall include such facilities open to the public as

1 hotels, motels, restaurants, cafes, barrooms, and places of entertainment or recreation  
2 and shall include any private club.

3 C. The provisions of this Section shall not apply to:

4 (1) A federal, state, or local law enforcement officer in the performance of  
5 his official duties.

6 (2) Any constitutionally protected activity which cannot be regulated by the  
7 state, such as a firearm contained entirely within a motor vehicle.

8 (3) The possession of a firearm occurring within one thousand feet of a  
9 public gathering entirely within a private residence, or in accordance with a  
10 concealed handgun permit issued pursuant to R.S. 40:1379.1.

11 (4) The possession or discharge of a firearm by a person who holds a valid  
12 certificate as a living historian in the use, storage, and handling of black powder  
13 issued by the Louisiana office of state parks for the purpose of historic reenactments  
14 if the firearm is a black powder weapon which is an antique firearm as defined in 18  
15 U.S.C. 921(a)(16), or an antique device exempted from the term "destructive device"  
16 in 18 U.S.C. 921(a)(4).

17 (5) The possession or discharge of a firearm by a person possessing a valid  
18 hunting license and hunting on a public hunting ground or recreation area.

19 D.(1) Whoever commits the crime of illegal possession of a firearm shall be  
20 sentenced to imprisonment at hard labor for not less than five nor more than seven  
21 years, at least five years of the sentence imposed shall be served without benefit of  
22 parole, probation, or suspension of sentence, and shall be fined not less than one  
23 thousand dollars nor more than five thousand dollars.

24 (2) Whoever commits the crime of illegal discharge of a firearm at a public  
25 gathering shall be sentenced to imprisonment at hard labor for not less than five  
26 years nor more than ten years, at least five years of the sentence imposed shall be  
27 served without benefit of parole, probation, or suspension of sentence, and shall be  
28 fined not less than five thousand dollars nor more than ten thousand dollars.

- 1                    E. Lack of knowledge that the prohibited act occurred on or within one  
2                    thousand feet of the public gathering shall not be a defense.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

LaFonta

HB No. 44

**Abstract:** Prohibits possession or discharge of a firearm at a public gathering of 50 or more people.

Proposed law creates the crime of unlawful possession or discharge of a firearm at a public gathering of 50 or more people.

Proposed law defines "firearm" and "public place".

Proposed law creates exceptions to the crime for hunting, law enforcement, private residences, constitutionally protected areas, and historic reenactments.

Proposed law provides for penalties for the possession of a firearm at a public gathering of imprisonment at hard labor for not less than five nor more than seven years, at least five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and shall be fined not less than \$1,000 nor more than \$5,000.

Proposed law provides for penalties for the discharge of a firearm at a public gathering of imprisonment at hard labor for not less than five years nor more than 10 years, at least five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and shall be fined not less than \$5,000 nor more than \$10,000.

(Adds R.S. 14:95.2.2)